TRANSLATION PATENT COOPERATION TREATY POT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

	t's or agent's file references 946 PCT	FOR FURTHER	RACTION	See Form PCT/IPEA/416					
Internatio	onal application No.	International filing	date (day/month/year)	Priority date (day/month/year)					
	FR2005/0500	14.01.20	05	16.01.2004					
		(IPC) or national classification a							
B05B11/00, B65D83/14									
Applicant VALOIS SAS									
1.	 This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36. 								
2.	This REPORT consists of	of a total of 6	sheets, includi	ng this cover sheet.					
3.	This report is also accon	npanied by ANNEXES, comprisin	ng:						
	a. (sent to the o	applicant and to the International	Bureau) a total of 2	sheets, as follows:					
	a. (sent to the applicant and to the International Bureau) a total of 2 sheets, as follows: sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).								
	sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.								
	b. (sent to the I	International Bureau only) a total	of (indicate type and numb	er of electronic carrier(s))					
	(30,1110,1110,1	20,000,000,000	or (more to per three name						
, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).									
4.	This report contains indi	ications relating to the following i	tems:						
	Box No. I	Basis of the report							
	Box No. II	Priority							
	Box No. III	Non-establishment of opinion w	ith regard to novelty, inver	ative step and industrial applicability					
	Box No. IV	Lack of unity of invention							
	Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement								
	Box No. VI	Certain documents cited							
	Box No. VII Certain defects in the international application								
	Box No. VIII Certain observations on the international application								
Date of submission of the demand			Date of completion of t	his report					
Name and mailing address of the IPEA/EP			Authorized officer						
			a additional villed						
Faccimile No.			Tolophono No						

International application No.

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PCT/FR2005/050022

Box	No. I	I Basis of the report						
1.		h regard to the language, this report is based on the internaticated under this item.	onal application in the language in	which it was filed, unless otherwise				
		This report is based on translations from the original langum which is the language of a translation furnished for the pure international search (Rule 12.3 and 23.1(b)) publication of the international application (Rule 12.3 and 12.3 an	poses of:	, ,				
2.	rece	international preliminary examination (Rule 55.2 and/or 55.3) regard to the elements of the international application, this report is based on (replacement sheets which have been furnished to the ving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to eport): the international application as originally filed/furnished the description:						
		pages 1-7 pages*						
		pages*		_				
	\square		_ received by this Authority on					
		the claims:						
		nos. 12	-	as originally filed/furnished				
		nos.*		15.11.2005 with letter				
		nos.* <u>1-11</u>						
		nos.*	received by this Authority on					
		the drawings:						
		sheets 1/1		as originally filed/furnished				
		sheets*	_					
	$\overline{}$	sheets*	received by this Authority on					
	Ш	a sequence listing and/or any related table(s) - see Supple	mental Box Relating to Sequence L	isting.				
3.	\boxtimes	The amendments have resulted in the cancellation of:						
		the description, pages						
		the claims, nos. 12						
		the drawings, sheets/figs						
		the sequence listing (specify):						
		any table(s) related to sequence listing (specify):						
4.		This report has been established as if (some of) the amer they have been considered to go beyond the disclosure as	ndments annexed to this report and	l listed below had not been made, since				
		the description, pages						
		the claims, nos.						
		the drawings, sheets/figs						
		the sequence listing (specify):						
		any table(s) related to sequence listing (specify):						
*	If ite	em 4 applies, some or all of those sheets may be marked "su	perseded."					

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Box			ticle 35(2) with regard to novelty, inventive step or industrial applicability; oporting such statement	
1.	Statement			
	Novelty (N)	Claims	1-11	YES
		Claims		NO
	Inventive step (IS)	Claims	1-11	YES
		Claims		NO
	Industrial applicability (IA)	Claims	1-11	YES
		Claims		NO
	Charles and the contract of th	70.7\		

- 2. Citations and explanations (Rule 70.7)
 - 1. Reference is made to the following documents:

D1: US 5 108 013 A (VANBROCKLIN OWEN F)
28 April 1992 (1992-04-28).

- 2. INDEPENDENT CLAIM 1
- 2.1 Document D1, which is considered to be the prior art closest to the subject matter of claim 1, describes (the references between parentheses apply to said document):
 - a fluid-dispensing device comprising a dispensing member (10) such as a pump or a valve, a fluid container (14), an attachment element (16) for attaching said dispensing member (10) onto a neck (113) on said container (14), and a collar (18) arranged between the body (30, 38) of said dispensing member (10) and said attachment element (16), wherein said collar (18) comprises a deformable radial flange (104) comprising deformable sealing means (108, 109) that extend away therefrom,

Box No. V

Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement said radial flange (104) is, after assembly, deformed and sealingly engages the upper edge of said neck (113, 115) of said container (14), and said sealing means (108, 109) are, after assembly, deformed and sealingly engage said attachment element (16).

- 2.2 It follows that the subject matter of claim 1 differs from this known device in that:
 - said radial flange is curved upwards prior to assembly.

The subject matter of claim 1 is, therefore, novel (PCT Article 33(2)).

- 2.3 As a result, the problem that the present invention is intended to solve can be considered to be that of enhancing sealing between the container neck and the element for attaching the dispensing member onto said neck.
- 2.4 The solution to this problem, as proposed in claim 1 of the present application, is considered to involve an inventive step (PCT Article 33(3)), for the following reasons:
 - the specific structure of the radial flange, i.e. it is curved upwards prior to assembly, compensates for the production tolerances of the various component elements in the device and also means that said flange can be adapted to different (geometric) configurations of said container neck. Size variation is compensated

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Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

for not only by the deformability of the material *per se* but especially by the curved structure of said radial flange.

This technical feature cannot be directly and unambiguously derived from the present prior art. As a result, claim 1 involves an inventive step.

3. DEPENDENT CLAIMS 2-11

Claims 2-11 are dependent on claim 1 and, as such, therefore also fulfil the PCT requirements of novelty and inventive step.

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Box No. VIII Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

- 1. Contrary to the requirements of PCT Rule 5.1(a)(iii), the description is no longer consistent with claim 1. Indeed, the curved structure of the radial flange is now an essential feature of the invention and, as a result, the term "advantageously" on page 5, line 6, of the description should be removed in order to bring the description into line with claim 1.
- 2. Independent claim 1 has not been drafted in two parts, as required by PCT Rule 6.3(b), yet such a drafting would appear to be appropriate in this particular case, with a preamble containing the combination of features known from the prior art (document D1) (PCT Rule 6.3(b)(i)), and a characterising portion containing the remaining features (PCT Rule 6.3(b)(ii)).

In the present case, the characterising portion should contain only the following feature:

- "said radial flange is curved upwards prior to assembly".